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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/063,933

05/28/2002

Takayuki Sato

AT-0024US

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09/06/2006

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EXAMINER

LAFORGIA, CHRISTIAN A

ART UNIT

PAPER NUMBER

2131

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/063,933

Applicant(s)

SATO, TAKAYUKI

Examiner

Christian La Forgia

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 June 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment of 20 June 2006 has been noted and made of record.
2. Claims 1-18 have been presented for examination.

### ***Response to Arguments***

3. Applicant's arguments filed 20 June 2006 have been fully considered but they are not persuasive.
4. Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.
5. In response to the Applicant's arguments that the amendment to include the word "between" distinguishes the instant application over the prior art the Examiner disagrees. It is unclear whether the Applicant's amendment to use the word "between" instead of to means logically between or physically between the two devices. For the sake of examination, the Examiner will construe the between to be logically between the two devices. Therefore, the cited prior art teaches the claimed invention and the rejection is maintained.
6. See further rejections that follow.

### ***Claim Rejections - 35 USC § 112***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:  

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
8. Claims 1-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It is unclear whether the Applicant's amendment to use the word "between"

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instead of to means logically between or physically between the two devices. For the sake of examination, the Examiner will construe the between to be logically between the two devices.

9. Claim 16 recites the limitation "said second interconnecting device" in the third line of the claim limitation. There is insufficient antecedent basis for this limitation in the claim.

### *Claim Rejections*

10. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

11. Claims 1, 4, 5, 7, 9-13, and 15-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,005,939 to Fortenberry et al., hereinafter Fortenberry.

12. As per claim 1, Fortenberry discloses communication system that connects a first network and a second network for communication thereof, comprising:

a first interconnecting device connected to a first communication device of said first network (Figure 2a [blocks 204, 206a, 206n], column 5, lines 41-54, i.e. ISP or firewall);

an authentication apparatus, connected between said first interconnecting device and a second communication device of said second network, operable to control whether or not communication between said first and second communication devices is allowed (Figure 2a [blocks 204, 206a, 206n], column 5, lines 41-54, i.e. firewall acts as a gatekeeper); and

an external recording device connecting to said first interconnecting device and operable to store authentication information of a user of said first communication device, said authentication information being used for authentication of the user by said authentication apparatus (Figures 2a [blocks 212, 214, 216], 2b; column 5, line 62 to column 6, line 46), wherein said first interconnecting device comprises:

an acquiring unit operable to acquire said authentication information of the user of said first communication device from said external recording device (Figure 4, column 7, line 34 to column 8, line 15); and

a transmit unit operable to transmit said authentication information acquired by said acquiring unit to said authentication apparatus (column 7, line 34 to column 8, line 15).

13. As per claims 4 and 13, Fortenberry discloses an interconnecting device for connecting a first network and a second network to enable communication between a first communication device of said first network and a second communication device of said second network, the interconnecting device comprising:

an acquiring unit operable to acquire from a recording device, which is outside said interconnecting device, authentication information of a user of said first communication device for authentication of the user, by an authentication apparatus, which controls whether or not communication between said first and second communication devices is allowed (Figure 4, column 7, line 34 to column 8, line 15); and

a transmit unit connected to said acquiring unit and operable to transmit said authentication information received by said acquiring unit to said authentication apparatus wherein said interconnecting device is located between said first communication device and said authentication apparatus (column 7, line 34 to column 8, line 15).

14. Regarding claim 5, Fortenberry teaches wherein said acquiring unit comprises a reading unit operable to read said authentication information from a non-volatile memory that comprises

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said recording device storing said authentication information (Figures 1 [blocks 115, 142, 147, 152], 2 [block 214]; column 3, lines 6-14, column 5, line 62 to column 6, line 8).

15. Regarding claim 7, Fortenberry discloses wherein said acquiring unit further acquires identification information of said authentication apparatus from said recording device, and said transmit unit transmits said authentication information to said authentication apparatus (column 1, lines 51-65; column 7, lines 33-67).

16. Regarding claims 9 and 15, Fortenberry discloses a decryption unit connected to said acquiring unit and operable to decrypt encrypted authentication information (column 6, lines 15-24; column 6, lines 52-63).

17. Regarding claims 10-12, Fortenberry discloses a processing unit connected to said transmit unit and operable to determine whether or not said authentication apparatus is allowed to authenticate the user, wherein said transmit unit transmits said authentication information to said authentication apparatus when said processing unit determines that said authentication apparatus is allowed to authenticate the user (column 6, lines 7-14, column 8, lines 7-14).

18. Regarding claims 16 and 18, Fortenberry discloses wherein said first interconnecting device prevents said first communication device from directly transmitting authentication information to said second interconnecting device (Figure 2a [blocks 204, 206a, 206n], column 5, lines 41-54).

19. Regarding claim 17, Fortenberry discloses wherein said authentication is located between said interconnecting device and said communication device (Figure 2a [blocks 204, 206a, 206n], column 5, lines 41-54).

20. Claims 2, 3, 6, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fortenberry in view of U.S. Patent No. 6,934,745 to Krautkremer, hereinafter Krautkremer.

21. Regarding claims 2, 3, 8, and 14, Fortenberry does not teach wherein said second interconnecting device includes a receive unit operable to receive said authentication information from said first interconnecting device; an authentication unit connecting to said receive unit and operable to authenticate said authentication information received by said receive unit; and a setting unit connecting to said authentication unit and operable to set said second interconnecting device to allow the communication between said first and second communication devices in a case where the authentication by said authentication unit was successful; wherein said acquiring unit of said first interconnecting device is further operable to acquire bandwidth information from said external recording device; said transmit unit of said first interconnecting device is further operable to transmit said bandwidth information acquired by said acquiring unit to said second interconnecting device; said receive unit of said second interconnecting device is further operable to receive said bandwidth information from said first interconnecting device; and said setting unit of said second interconnecting device is further operable to set a bandwidth of the communication between said first and second communication devices based on said bandwidth information received by said receive unit.

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22. Krautkremer discloses wherein said second interconnecting device includes a receive unit operable to receive said authentication information from said first interconnecting device; an authentication unit connected to said receive unit and operable to authenticate said authentication information received by said receive unit (column 6, lines 3-30, column 7, lines 13-23, column 10, line 63 to column 11, line 28); and

a setting unit connected to said authentication unit and operable to allow communication between said first communication device and said authentication apparatus when the authentication by said authentication unit is successful; wherein said acquiring unit of said first interconnecting device is further operable to acquire bandwidth information from said external recording device; said transmit unit of said first interconnecting device is further operable to transmit said bandwidth information acquired by said acquiring unit to said authentication apparatus; said receive unit of said authentication apparatus is further operable to receive said bandwidth information from said first interconnecting device; and said setting unit of said authentication apparatus is further operable to set a communication bandwidth between said first communication device and said authentication apparatus based on said bandwidth information (Figures 1 [blocks 50, 61, 62], 2, 3, 4 [blocks 50, 61, 62], 5 [blocks 50, 61, 62], column 4, line 12 to column 5, line 23, column 10, lines 28-60).

23. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive the client authentication data and configure the bandwidth for the connection between the two devices that are communicating, since Krautkremer states at column 2, line 56 to column 3, line 10 that such a modification would offer real-time monitoring,



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measurement and control of performance over the network. It would also allow providers to configure and maintain the network for a central location.

24. Regarding claim 6, Fortenberry does not teach wherein said acquiring unit includes a receive unit operable to perform wireless communication with a wireless communication device that comprises said recording device storing said authentication information, and to receive said authentication information from said wireless communication device by the wireless communication.

25. Krautkremer discloses wherein said acquiring unit includes a receive unit operable to perform wireless communication with a wireless communication device that comprises said recording device storing said authentication information, and to receive said authentication information from said wireless communication device by the wireless communication (column 36-48).

26. It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate wireless communications, since Krautkremer states at column 2, line 56 to column 3, line 10 that such a modification would offer a solution to circumvent traffic over hardwired lines of communication. It has also been held that it only requires routine skill in the art to make a device portable; see MPEP 2144.04; see also *In re Lindberg*, 194 F.2d 732, 735, 93 USPQ 23, 26 (CCPA 1952).

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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28. The following patents are cited to further show the state of the art with respect to an authentication apparatus physically between two devices, such as:

United States Patent No. 6,636,838 to Perlman et al., which is cited to show an authentication apparatus physically between two devices.

29. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

30. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

31. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christian La Forgia whose telephone number is (571) 272-3792. The examiner can normally be reached on Monday thru Thursday 7-5.

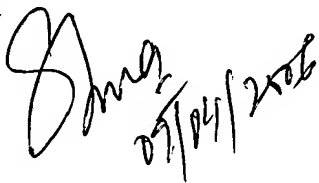
32. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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33. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christian LaForgia  
Patent Examiner  
Art Unit 2131

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Handwritten signature of Christian LaForgia and the date 07/04/2006.